

REMARKS

This is in response to the Office Action dated September 28, 2006. Claims 1, 6-15, 19-24 and 32-39 are pending.

A Rule 131 Declaration is attached hereto, swearing behind the cited Neuman reference (US 2004/0005467). The attached Rule 131 Declaration evidences that applicant invented the claimed invention prior to Neuman's publication date of January 8, 2004. The Section 103(a) rejection based on Neuman should therefore be withdrawn.

Neuman is *commonly owned* with the instant application, and was commonly owned at the time of the invention (note: assignee C.R.V.C. is wholly owned by Guardian Industries Corp.). The Rule 131 Declaration attached hereto establishes that examples of the claimed invention were reduced to practice at least as early as November or December 2003, and thus *prior* to the January 8, 2004 publication date of Neuman (i.e., applicant has sworn behind the publication date of Neuman). This means that Neuman does not qualify as prior art under Section 102(a), and only qualifies under Section 102(e). Because Neuman only qualifies as prior art under Section 102(e), and is commonly owned with the instant invention (and was commonly owned at the time of the invention), **Neuman cannot be used in a Section 103 rejection.** See 35 U.S.C. Section 103(c). Accordingly, all Section 103 rejections should be withdrawn, and the application should be passed to issue.

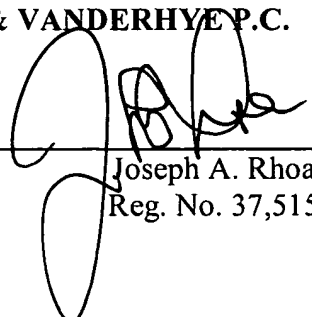
All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

LINGLE et al.
Appl. No. 10/800,012

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

A handwritten signature in black ink, appearing to read 'J. Rhoa', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke.

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